THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 16517 OF 2006

Dated 18th January 2007

Between:

Palle Madaiah & others

…Petitioners

and

The Govt. of A.P., rep. by its Chief Secretary,
Secretariat, Hyderabad, & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 16517 OF 2006

O R D E R:

The petitioners state that themselves and others are in occupation and enjoyment of Ac.350-00 of land in Sy.No.87 of Marpalli village of Ranga Reddy District, for the past more than six decades, by themselves and through their ancestors. Their grievance is that in spite of several representations for assignment of the respective extents, the respondents have not considered the same, and steps are being taken, to evict them. They challenged the notice, dated 15.4.2006, issued to them, requiring them to vacate the land.

Sri K.Venkat Reddy, learned counsel for the petitioners, submits that on account of the longstanding possession over the land, the petitioners have acquired a valuable right over the same, and they cannot be evicted, abruptly. He submits that when they faced eviction, they approached this court by filing W.P.No.6725 of 2000, and though

a specific direction was issued by this court, in that writ petition, directing the respondents to conduct survey and provide alternative lands, no action has been taken thereon.

On behalf of the respondents, a counter affidavit is filed. It is stated that the land in question is part of Reserve Forest and that a notification was issued, constituting Vanasthali National Park, over an area of Acs.1145.00, including Ac.350.00. It is also stated that the petitioners do not have any vested right over the land, and that the impugned notices were issued in pursuance of the directions issued by the Supreme Court.

It is not in dispute that the land, in respect of which the petitioners are claiming rights, is part of Reserve Forest. Time and again, the Supreme Court and this court held that forest land cannot be earmarked for any other use. Even long standing possessions over any land cannot be recognized in law. An additional factor in this case is that the land is part of a National Park, notified under the Wildlife (Protection) Act, 1972. The notification issued under the said Act is so firm in its consequences, that even owners of private land have to surrender substantial part of their rights, to ensure that the purpose of the notification is not defeated.

In W.P.No.6725 of 2000, this Court, in fact, refused to recognize any rights of the petitioners over the land. The only direction issued to the respondents therein was, to undertake a survey in the context of providing alternative lands to the petitioners. The question as to whether such alternative lands are available or not, is a different aspect altogether.

The petitioners are issued individual notices, dated 15.4.2006,

requiring them to vacate the land within one month.

A perusal of the said notices issued to them discloses that they were issued in pursuance of the directions issued by the Supreme Court. Therefore, it cannot be said that any rights of the petitioners have been violated. This court does not find any basis to grant any relief to the petitioners.

The writ petition is accordingly dismissed. It shall be open to the petitioners to pursue their remedies, as regards the observations made by this court in W.P.No.6725 of 2000. There shall be no order as to costs.

18th January 2007

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